

September 11, 2007

MINUTES OF THE CITY COUNCIL MEETING HELD SEPTEMBER 11, 2007

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, September 11, 2007, at 7:00 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Steven R. Taylor, Mayor
Christina J. Luman-Bailey, Councilor
Curtis W. Harris, Councilor
Kenneth B. Emerson, Councilor
E. Randy Sealey, Councilor
N. Gregory Cuffey, Councilor

Edwin C. Daley, City Manager
Edwin N. Wilmot, City Attorney
Ann M. Romano, City Clerk

ABSENT: Brenda S. Pelham, Vice Mayor

Mayor Taylor opened the meeting at 7:00 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	ABSENT
Councilor Bailey	-	ABSENT (arrived at 7:08 PM)
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Cuffey	-	present

CLOSED SESSION

At 7:00 PM **motion** was made by Councilor Sealey, and seconded by Councilor Harris, to Convene into Closed Session to discuss Appointments to Boards and Commissions, and Legal Matters (HDC) in accordance with Virginia Code Sec. 2.2-3711 (A) (1) & (7). Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Harris	-	yes

OPEN SESSION

At 7:30 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

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REGULAR MEETING

Before starting the meeting, Mayor Taylor and City Manager Daley wished to recognize and commemorate the 6th Anniversary of 9/11. A brief DVD was shown, set to the National Anthem. Prayer was offered by Mayor Taylor, followed by the Pledge of Allegiance to the Flag of the United States of America.

Mayor Taylor opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	ABSENT
Councilor Bailey		present
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Cuffey	-	present

CONSENT AGENDA

Mayor Taylor explained that items may be removed from the Consent Agenda for discussion under the Regular Agenda at the request of any Council Member. He removed Item #C-8, Ordinance No. 2007-13 from the Consent Agenda and moved it to UB-2.

Motion was made by Councilor Emerson, and seconded by Councilor Harris, to approve the Consent Agenda: Minutes: Special Meeting August 13, 2007, Regular Meeting August 14, 2007, and Work Session August 30, 2007; Pending List; Information for Council Review: [TSB minutes 6/12/07 & agenda 8/7/07; HRHA minutes 5/14/07 & agenda 8/13/07; Waterfront Development Committee minutes 5/21/07; School Board minutes 6/12/07, 6/14/07, 6/21/07, 7/5/07, 7/9/07, 7/25/07, & 7/26-27/07; HRWTF Plant Activities Report 8/10/07; Recreation Commission minutes 6/13/07, agenda & minutes 8/8/07, & agenda 9/12/07; ARLS minutes 7/17/07]; Personnel Change Report; Financial Report; Public Hearings Announcements: None; Routine Approval of Work Sessions: None; Proclamations/Resolutions/ Presentations: none. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

CITIZEN/COUNCILOR REQUEST - MAYOR TAYLOR - HISTORIC PRESERVATION COMMITTEE SEEKS COUNCIL APPROVAL

Mayor Taylor asked Council to consider moving Item CCR-2 forward to allow the representatives from the College of William & Mary to make their presentation and be able to leave early in the evening. Council agreed by consensus.

Mayor Taylor is a member of the Historic Preservation Committee. The committee is seeking Council approval of:

1. Proposal for Architectural Documentation of Kit Houses within the City of Hopewell, Virginia; and
2. Proposal for Architectural Evaluation of Site 44PG463, Bailey Creek Knoll, City of Hopewell, Virginia.

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Mayor Taylor reported that on September 4, 2007, the Historic Preservation Committee unanimously voted for Council approval of both of the above-named projects. The proposals are from William & Mary's Center for Archaeological Research. One is a proposal to document the kit homes built in the early 1900's. The other is to perform archaeological research on a piece of land near the City's Waste Water Treatment Facility that was identified as a site of interest in the field survey performed a few years ago.

Mr. Joe Jones, College of William & Mary, Center for Archaeological Research Director, first discussed Kit Homes. They are considered to be a significant aspect of history in Hopewell. They are pre-fabricated homes produced by Sears & Roebuck and shipped by rail. They were suitable in a town with lots of industry interested in putting housing developments for employees, such as "B" Village here in Hopewell. There were many identifiable characteristics. William & Mary's Center for Archaeological Research did a study throughout five localities: Southside, Virginia Beach, Norfolk, Suffolk & Chesapeake that generated community interest. It would provide a boost for local pride in Hopewell and for Tourism. The study would include reconnaissance to identify as many of these "Kit Homes" in Hopewell as possible. It would include as many as eight studies of individual houses. The reconnaissance study is not as intrusive. It can occur without going inside of the building with the cooperation of several neighbors to work towards interior documentation. The outcome could end up with a good composite study. It can lead to additional benefits for the community by nominating these homes for listing on the State and National Historic Registers. This could lead towards organized walking tours.

Mr. Jones then addressed the Bailey Creek Knoll project, an architectural site where they did a preliminary survey a few years ago. The property is owned by the City at the Wastewater Treatment Facility. The land has been undisturbed. There is an unusual depth of deposits of prehistoric Indian/Native American remains. It was not a residential site, but appears to have been a seasonal camping site. It has almost three feet (3') deep deposits of artifacts. It represents three different prehistoric occupations spanning from 2000 BC until 500 AD, which is an interesting time span. For Native Americans this sequence crosses over from hunting/gathering to pottery production. It is more highly mobile hunting/gathering. They were tending to live in one place. It was a period when the environment was affected because of a rising sea level. It stabilized during this period. Because of the depth, this site has the potential to see some of these transitions and explaining some of those transitions. Most such sites do not have this depth and are more compacted. Mr. Jones distributed a handout with Map 44PG463. There is a detailed map with the survey study of this site. It will tell some general characteristics; older artifacts are deeper. Circles on the map represent shovel tests; dark circles are from which artifacts were retrieved. An example of some artifacts is pottery from the Woodland Period 500 AD; also a point/spear point or knife from 1000-500 BC.

The proposal being suggested is a study that would result in specific boundaries of the site. The study would answer questions unambiguously. The study would document a world class site. "World Class" for Hopewell and the Region means attention received by Virginia for the 2007 400th Celebration and recognition. Virginia pre-history is entirely from archaeology. This site has good preservation. This is a real opportunity to find. It could definitely be worthy of headlines. It has the seeds of what later led to the Powhatan Chiefdom, from many individual tribes. This site is the prelude to that period.

The cost will be \$30,000. Elesteen Hager, Finance Director has identified \$17,500 from an Architectural Account; \$12,000 from a Matching Grant Fund; and \$500 from a Bond Agency Fee Account.

Motion was made by Councilor Emerson, and seconded by Councilor Harris, to resolve to approve both projects and to allocate funds: \$17,500 from an Architectural Account; \$12,000 from a Matching Grant Fund; and \$500 from a Bond Agency Fee Account. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes

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Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR BUSINESS – PLANNING COMMISSION - PARKVIEW POINTE SUBDIVISION PLAT

Mayor Taylor asked Council to consider moving Item R-1 forward in deference to the high number of Cobblestone Subdivision residents in the audience. Council agreed by consensus.

Mr. Altman reported that City Administration received a request from James R. Jones Builder to subdivide approximately 24.2 acres of land forming a 50 lot subdivision for single-family detached dwellings. The property is zoned R-2, Medium Density Residential, and is located behind Cobblestone Subdivision. The proposed development will be accessed via Stone Mill Drive in Cobblestone. According to Mr. Altman, the proposed subdivision meets the minimum lot area and width requirements of the R-2 zoning district and the requirements of the City's Subdivision Ordinance.

The Hopewell Planning Commission reviewed this request at its August 2, 2007 meeting and has recommended approval of the request to City Council.

The developer and engineer were available for comment and/or questions.

James R. Jones, applicant, mentioned that when he first planned the Westmoreland Subdivision and Pleasant Hill Farms, citizens were in disagreement also. Residents of the Cobblestone Subdivision are concerned with the proposed road going through Lot #30 to get to the Parkview Pointe Subdivision, and the increased traffic, and increased number of children/teenagers in the area. The houses that he builds do not seem to attract children. He told them that they should not worry about too many children coming near Cobblestone. He could have planned for 76 homes on that property (Parkview Pointe), but he is planning only 50. He will not build the homes if he does not get an answer tonight. He will develop the land but not build the houses. Fifty houses will be a slow project. The Cobblestone Subdivision is nine years old and averages 13 homes per year. He plans to protect the people, and not to hurt them. All owners have a copy of the covenants and restrictions. It stated that he would be purchasing adjoining property that will not be part of Cobblestone.

City Attorney Wilmot read an excerpt from the covenants and restrictions into the record:

“ . . . By their purchase or obtaining any interest in any Site subject to these Protective Covenants, all Owners and Occupants of Sites or any interests therein, their heirs, legal and personal representatives, successors and assigns recognize that Declarant is or may become the owner of property in the vicinity of the Property, some of which may be contiguous thereto, and that such property is not now subject to this Declaration and the Protective Covenants, may never become subject to this Declaration and the Protective covenants and may be developed by Declarant in a manner that does not conform to the requirements of this Declaration and the Protective Covenants. By their purchase or obtaining any interest in any Site subject to these Protective Covenants, all such parties recognize and agree that all such property of Declarant not made specifically subject to this Declaration and these Protective Covenants by a written and appropriately recorded document executed by Declarant and evidencing Declarant's intention to subject such property hereto will in no way be burdened or bound by this Declaration, . . . ”

Mr. Wilmot will make copies for each Council member.

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Mr. Jones stated that this is not a debatable issue. He has approved plans and specifications. This is an administrative issue, not a Public Hearing issue. The Cobblestone Property Owners' Association has gone awry. His engineer is available to make comments.

Derrick Johnson, Engineer with Timmons, developed the subdivision plans and plats. They received approval from the Planning Commission and staff recommendation for approval.

There was some discussion regarding Lot #30, and its advertisement as a construction lot. Mr. Johnson indicated that another engineering firm designed that. Lot #30 was designed for a single-family home. That lot is now proposed to be dedicated as a right-of-way. Mr. Jones purchased Lot #30 along with all of the Cobblestone property.

Councilor Harris indicated that he received more phone calls concerning this project than for any other single issue in all of his 20 years on City Council. That prompted him to visit Cobblestone to observe the site, and to look at the map.

Motion was made by Councilor Harris, and seconded by Councilor Bailey, to Waive Council's Rules to allow no more than four citizens to speak on the Parkview Pointe Subdivision/Cobblestone Subdivision issue, and to specifically allow Judy Blevins, President of the Cobblestone Property Owners' Association to speak first. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

Judy L. Blevins, President, Cobblestone Property Owners' Association:

"Message to Hopewell City Council, Tuesday, September 11, 2007 - 7:30 PM - Council Chambers

Good evening, Ladies and Gentlemen: I am Judy Blevins, President of the Cobblestone Property Owners' Association. I wish to speak to you on behalf of Cobblestone residents regarding the proposed extension of Stone Mill Drive through Lot #30 in the Cobblestone Subdivision. This lot was originally designated and approved by City Planners as a building lot with the street address of 453 Cobblestone Drive.

May I begin by quoting a short portion of our "Covenants, Conditions, and Restrictions for Cobblestone Subdivision" that describes specifically the age restrictions for the Subdivision:

ARTICLE III - AGE RESTRICTIONS

(1) In order to restrict the properties to their planned use as "housing for older persons" as defined in Sec. 3607, subparagraph (b) (2) of the Fair Housing Amendments Act of 1988 and any applicable regulations enacted thereunder, in effect as of the first date of this Declaration is recorded in the Clerk's Office (collectively the "Act," which term shall include amendments thereto from time to time applicable to the properties), all residences located on Lots must be occupied by at least one person 55 years of age or older. No Owner shall be under the age of 45 years of age. The Association shall take such measures as are necessary to ensure that the Properties satisfy the requirements for "housing for older persons" as set forth in the Act.

The residents of Cobblestone wish to express our absolute opposition to the conversion of Lot #30 to a thru street connecting Cobblestone to property that is projected to be developed as general housing. Routing traffic through Cobblestone to the new general housing development would result in a

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tremendous increase in thru-traffic of all types and excessive noise through our Subdivision including numerous school buses, reckless teenage drivers with loud music blaring, and continuous construction vehicles with their debris, not to mention their destruction to our streets. The traffic on a thru street to such development would destroy the serene, safe, and secure environment originally promised to current Cobblestone homeowners as a "retirement community." We have many residents who walk for fitness in our neighborhood - many of whom do not see or hear well and cannot move quickly to escape a fast-moving vehicle. To bring increased traffic to our streets literally threatens their lives. Our residents are concerned about the potential increase in crime and vandalism that will no doubt come with an increase in the general public constantly traveling thru our neighborhood. I have had residents request that this proposal not be approved because they enjoy the quietness that allows them to retire for the evening early and the subsequent quiet mornings with little traffic and disturbance - I believe they are entitled to this luxury because they were promised this when they bought property in Cobblestone. To approve such a thru street through our Subdivision would be a betrayal to the 170 current Cobblestone residents who have moved into Cobblestone with the promise by the developer that they could live out their final years in peace and quiet.

The ORIGINAL design approved for Cobblestone showed the lot in question as Lot #30, with a street address of 453 Cobblestone Drive - there was/is NO indication of that property becoming a thru street. I understand the claim is now being made that Lot #30 was originally planned as a thru street top additional properties, but a number of our homeowners have stated that they were indeed offered that lot when they bought property in the Subdivision.

I have provided our Council Representative, Mr. Randy Sealey, a Petition bearing the signature of nearly every property owner in Cobblestone (filed in the City Clerk's Office). On their behalf, I respectfully ask the Hopewell City Council to decline any request to convert Lot #30 in the Cobblestone Subdivision into a thru street unless the new property is developed as an age-qualified community such as Cobblestone.

In closing, I would like to ask the residents of Cobblestone who are present and who are opposed to the proposal being considered tonight to please stand. (The audience was full and over 100 people rose from their seats.)

Thank you for supporting the right decision for Cobblestone and its residents.

/s/ Judy L. Blevins, President

Cobblestone Property Owners' Association

PETITION to the City Council, Hopewell, VA

Cobblestone Property Owners' Association

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"COBBLESTONE - Hopewell's Only Age-Qualified Community"

By signing this **PETITION**, I/we wish to express absolute opposition to the proposed extension of Stone Mill Drive through the lot originally designated as 453 Cobblestone Drive (Lot #30) to connect to property that is projected to be developed as general housing adjacent to the Cobblestone Subdivision. General housing would result in school buses, teenage drivers, continuous construction vehicles and debris, and a tremendous increase in traffic and noise through our Subdivision. A thru street to such development would destroy the serene environment originally promised to current Cobblestone homeowners as a "retirement community." I/We respectfully ask the Hopewell City Council to decline any request to convert Lot #30 in the Cobblestone Subdivision into a thru street unless the new property is developed as an age-qualified community such as Cobblestone.

Floyd O. Powers	Judy Blevins	Irene Cobb	Rosemary & Doug Pritchard
Charles R. _____	Joseph B. Ivey	Conrad Cobb	Janice Weiss
Mary Nofsinger	Leonard G. Leslie	Vera Lilly	William T. Davis

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Cathon N. Marshall	Shirley A. & James F. Keiser	Faye Westfall	Marty Davis
Nancy Derrick	Sharon A. Tossmeart	James J. Westfall	Virginia Dobra
Curtis D. Goho	Nadine B. Payne	Audrey H. Marshall	Joanne & Larry Riley
June E. Goho	Barbara J. Sexton	Stina Peach	Lorraine K. Hoover
Betty Collette	K. B. Keener	John Daley	Carol S. Keenan
Thomas Collette	Charlotte J. Elder	Vivian Dale	Peggy Thore
Paul Collette	Myrtle A. Vess	Sheryl McCall	William V. Baldwin
Claudine Taylor	Alma Sue Payne	John W. McCall	Linda g. Sturt
Joyce Slayton	Helen Perkins	Virginia Fayed	Ray W. Sturt
Cheryl A. Slayton	Thomas R. Reul	Nancy Ackerman	Katherine M. Schultz

Everett H. Henton, Jr.	Rick Peterson	Robert R. Emory	Dorothy Shields
Betty L. Patrick	Sarah Williams	Frances P. Emory	Sarah & Jack Briggs
Marian B. Walker	W. W. Hoeling	Maxine Williams	Rebecca Fay Dunn
Aaron E. Walker	Goddard A. Smith	Gene Carter	Cary W. Dunn
Phyllis A. Gagne	Sylvia A. Fuller	Bill Carr	Lawrence Gilbert
Armand E. Gagne	Shirley F. Lovening	Nettie Carr	Barbara T. Gilbert
Shirley B. Newcomb	Kathryn Holcomb	Kimiko McCoy	Katherine Sierra
Carroll A. Hathaway	Melissa A. Smith	Ruth J. Coleman	Jacqueline S. H_____
Anne B. Buyalos	Elsie F. & George Ahrend	Marilyn O'Connor	Marian S. Henry
Dennis W. Hathaway	Helen Straub	John O'Connor	Bertha Morene
Ethel C. Peterson	Elsie Hicks	Tony & Kathy T_____	
Richard E. Peterson	Lee East & Macon East	Barbara Davis	
Minnie Gutridge	Brenda Brockwell		

Garland L. Raney	John _____
Joan Raney	Michael L. Mac_____
Catherine Edwards	J. _____
Charles C. Edwards	Frank Sturkey
Carol S. Saunders	Shelva Sturkey
Jeanne Smith	Brenda Gray
Edwin S. Hawkins	Jackie Gray
Caroline B. Knott	Alice G. Ozmore
C. Bishop Knott	Gil Ozmore
Joan T. Long	Ruth M. Richardson
Denise Ingram	Nora W. Richardson
Robert Chip Ingram, II	Doreen E. Richardson
Anita S. Roberson	

(Some of the signatures were illegible.) (Original filed in the City Clerk's Office.)

Councilor Emerson asked Mr. Johnson if there was any other planned road to Parkview Pointe other than Jackson Farm Road. Mr. Johnson indicated that there was not to the north; Timmons has not done any work in that area. He indicated that when they started the process last summer, they looked at access to the property. VDOT bought the right-of-way for I-295 and purchased the entire Beasley property. There are wetlands property to the west. They do not do any wetlands work. There is no one else that they are aware of who may be in the process of developing that area. The road would have to go all the way to Jackson Farm Road. At \$80 per foot, it would cost approximately \$120,000 for that road. Councilor Emerson would be interested in Council consideration of the City funding the cost of that road.

There was a Ward #5 meeting last Friday, September 7, 2007, attended by approximately 100 people. He would like to address the quote in the covenant and restrictions.

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Garland Rainey, 505 Cobblestone Dr., Hopewell. No one has ever considered Jimmy Jones's housing not to be up-to-par. Anything and everything that does not agree with his way and his thought he wants to threaten you to bend his way. He asked him in his home if there would ever be any other streets in the area. Mr. Jones assured him that there would not be. He did not understand why Mr. Jones thinks that people will always agree with him. Kathryn Hunter and Fred Morene are on the Planning Commission. If they did vote on this issue, it created a conflict of interest. Mr. Morene works for the Ford Agency, and Mrs. Hunter is an owner of the property that was sold. The residents of Cobblestone just do not want the road going through their subdivision. Down towards the clubhouse, there is only one entrance. There are 150 residents trying to get out of one exit.

Rosemary Pritchard, 515 Cobblestone Drive, Hopewell, told Jimmy Jones to his face that he builds nice houses and he built a nice home for his parents. She bought a home in Cobblestone and he assured her that it would be a neighborhood where they would feel safe. She does not believe they will be safe when the road comes through. All of those attending the meeting love the neighborhood and all of their neighbors. But Ms. Pritchard fears there will be casualties with the old people. She does not want the road coming through that one Lot, #30. She wants to keep the Subdivision just like it is now.

There being no other speakers, the public comment period closed at 8:45 PM.

Councilor Emerson reported that he received about 25-30 phone calls, and e-mails. People came together. It seems there needs to be a compromise. He asked the City Manager a question: If Council was to table this and investigate the City buying a roadway to have an entrance at the back side of the property to make it acceptable to Jimmy Jones, could that be done? The road would cost about \$96,000. Dr. Daley responded that the City could research buying a right-of-way to put a road in there. Councilor Emerson suggested investigating alternative measures.

Mr. Jones indicated that more than two weeks would be needed to study this. The City has less than 60 days. He is willing to table it for 45 days, and is willing to work with this City, although he is scheduled to be out of the country on vacation for part of that time.

Mr. Wilmot explained that approval of a subdivision plat is ministerial. Council would have no choice but to approve it if he meets all requirements. There is nothing wrong with tabling the issue. There seemed to be a discrepancy about the date the plat was filed. Mr. Jones claimed that it was submitted on August 2, 2007; according to Mr. Altman it was September 7, 2007. However, the 45 days began on September 11, 2007. If Council were to disapprove the plat it must go to Mr. Jones in writing and the City must have a legally defensible basis.

Motion was made by Councilor Emerson, and seconded by Councilor Cuffey, to resolve to table this issue for no longer than 45 days, to research the cost, to work with Mr. Jones to build a road to the new development (Parkview Pointe Subdivision), and to seek alternative measures to resolve the issue. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

At 8:55 PM Mayor Taylor called for a 10-minute recess.

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COMMUNICATIONS FROM CITIZENS

Katherine Podlewski, 507 North 2nd Avenue, Hopewell, reported that she attended a Streetscape Meeting where time was spent lollygagging and there was much confusion. There were minimal choices. The front of the library looks like a prison. Money came up short on the Streetscape --- again. "B" Village Notes: Curb and Gutter has been installed. KW4 - new document is coming out shortly.

Wayne Walton, 534 North Avenue, Hopewell, announced the United Way Kickoff. Last year they raised \$285,000 and they support 27 agencies. He asked the City's continued support.

At 9:10 PM Communications from Citizens was closed.

PRESENTATION - R C & D

No report.

UNFINISHED BUSINESS - ORD. NO. 2007-14 ORDINANCE ON SECOND AND FINAL READING TO AMEND THE CHARTER OF THE CITY OF HOPEWELL - MOVING COUNCIL ELECTIONS FROM MAY TO NOVEMBER

At the City Council meeting held on August 14, 2007, the City Council of the City of Hopewell held a public hearing regarding a proposal to the Virginia General Assembly to amend the Charter of the City of Hopewell to move City Council elections from May to November, beginning in November, 2008, and to extend the terms of the council members which are scheduled to expire on June 30, 2008 to December 31, 2008.

There were no speakers at that public hearing.

Several Councilors raised concerns about this action in the same year as a presidential election. It was originally drafted to be implemented on July 1, 2010. The City's Registrar, Pam Clark indicated that it would create no problem to implement the change in 2008. If the General Assembly and DOJ granted the request in January or February of 2008 on a dual track, it should provide enough time to implement the change. If Council wishes to make it effective in 2010 and not in 2008 that could be done also. From a campaign standpoint, May is less desirable because there is less of a turnout. Hopewell has historically had low voter turnouts. Perhaps some are trying to get back to a no-ward system. Council encouraged voter participation as the desirable thing to do.

Upon a **motion**, on August 14, 2007, to approve an ordinance on first reading moving the City Council elections from May to November, contingent upon obtaining an amendment to the Charter of the City of Hopewell, Virginia from the Virginia General Assembly, and preclearance from the United States Department of Justice, the vote resulted in a vote of four yeses and three noes.

Mr. Wilmot reviewed the issue. It must be sent to the General Assembly and it also requires pre-clearance from the Department of Justice.

DISCUSSION There was some Council concern: about conditions and outcome of similar issue in the City of Richmond; about the original idea that it would not take effect until 2010. The Presidential election year would be the focus of the 2008 election, and the Council election would be overlooked. The General Assembly decisions are not implemented until after July 1. Councilor Cuffey mentioned that Vice Mayor Pelham was absent and had requested that this item be tabled until her return.

The reason for this change is for more voter participation. Some of Council is underestimating the public/voters. No Presidential Election has just the President on the ballot. Moving the City Council

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election to November would ensure a well-attended Election Day. That is the reason to support it. The Registrar's Office is in favor of this because it is a cost savings for that office. This will not be like Richmond, other than there will be more voter participation.

Motion was made by Councilor Sealey, and seconded by Councilor Emerson, to resolve to adopt Ordinance No. 2007-14, to amend the Charter of the City of Hopewell, moving Council elections from May to November, on second and final reading.

Motion was made by Councilor Harris, and seconded by Councilor Bailey, to table the adoption of Ordinance No. 2007-14, amending the Charter of the City of Hopewell, moving Council elections from May to November, on second and final reading. Upon the roll call, the vote resulted:

Councilor Emerson	-	NO
Councilor Sealey	-	NO
Mayor Taylor	-	NO
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

The motion failed.

Upon the roll call on the original motion to approve, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	NO
Councilor Bailey	-	NO
Councilor Harris	-	NO

On August 14, 2007 Council voted 4/3 to approve the ordinance on first reading. Upon the vote at this meeting, the motion failed.

WAIVE THE RULES - MOVE CITY COUNCIL ELECTIONS TO 2010

Motion to Waive Council's Rules & Procedures to consider moving City Council elections from May to November in 2010 (rather than 2008) was made by Councilor Emerson, and seconded by Councilor Cuffey. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	NO
Councilor Harris	-	NO

UNFINISHED BUSINESS - ORDINANCE NO. 2007-13 ON SECOND AND FINAL READING - CUP - 3503 JACKSON FARM ROAD

Mayor Taylor removed Ordinance No. 2007-13 from the Consent Agenda for discussion. J. B. Armstrong raised issue with the original condition (2) contained in the ordinance:

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(2) The proposed single-family dwelling shall have a brick porch. A brick porch includes the steps, treads, risers, floor and side veneer. A brick porch consists of a concrete porch. The porch should be enclosed from the ground level to the finished floor elevation with block and brick enclosure;

Those conditions do not match the house which is country style. Mr. Armstrong requested that Council reconsider that condition.

Mr. Wilmot indicated that the request before Council was to approve the Conditional Use Permit on second reading, with the exception of removing the requirement for a brick porch and façade but including that there be brick column supports in front.

Motion was made by Councilor Emerson, and seconded by Councilor Sealey, to approve the request for the Conditional Use Permit for Webb Homes, Inc., to build a single-family dwelling at 3503 Jackson Farm Road, by removing the requirement for a brick porch, and by including that there be brick column supports in front. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

ORDINANCE NO. 2007-13

An Ordinance granting a Conditional Use Permit for Part of Lot 66,
Section C, Sunset Hills Subdivision, 3503 Jackson Farm Road in Ward 5.

WHEREAS, Webb Homes on behalf of Walter and Billie Nelms, has submitted a request for a Conditional Use Permit in accordance with Article IV, Section I, R-2, Medium Density Residential Zoning District, of the Hopewell Zoning Ordinance, which states, "For property consisting of less than seven thousand five hundred (7,500) square feet but five thousand (5,000) or more feet and/or less than seventy-five (75) feet but fifty (50) feet or more of frontage, an applicant may appeal to City Council for a Conditional Use Permit as allowed in Section XVIII of the Zoning Ordinance for approval to construct a single-family dwelling on such lot in accordance with the procedures given in section XVIII of the Zoning Ordinance." The property is located at 3503 Jackson Farm Road approximately 0.19 miles from Cedar Level Road and is currently zoned R-2, Medium Density Residential. The property is identified as Sub-Parcel #122-0015. The applicant has submitted a request for a conditional use permit to construct a two-story, 1,720 square foot single-family dwelling, with three (3) bedrooms and two-and-one-half (2.5) baths on Part of Lot 66, Section C, Sunset Hills Subdivision, Sub-Parcel #122-0015; and

WHEREAS, the Council of the City of Hopewell deems it appropriate to approve the request for a Conditional Use Permit to allow for the construction of a two-story 1,720 square foot single-family dwelling, with three bedrooms and two-and-one-half baths on Sub-Parcel #122-0015.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the Conditional Use Permit be approved to allow for the construction of a two-story 1,720 square foot single-family dwelling, with three bedrooms and two-and-one-half baths on Sub-Parcel #122-0015 with the following conditions: (1) The proposed single-family dwelling shall have a brick foundation on all four (4) sides. A brick foundation consists of foundation block from the block work to the first floor elevation with brick veneer; (2) Add brick column supports in front; (3) The proposed single-family dwelling shall be constructed with brick and vinyl siding; (4) All accessory structures shall be located only in the rear yard; (5) The proposed single-family dwelling shall have a minimum of 1,720 square feet

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of finished living area; and (6) The proposed single-family dwelling must be situated on the lot outside of the Resource Protection Area (RPA).

CITIZEN/COUNCILOR REQUEST – MAYOR TAYLOR - CANCEL REGULAR CITY COUNCIL MEETING OF OCTOBER 9, 2007; SCHEDULE COUNCIL WORK SESSION OCTOBER 2, 2007

Mayor Taylor announced that City Manager Ed Daley and Assistant City Manager March Altman will be out of town on October 9, 2007. That is the date of the scheduled City Council meeting (second Tuesday of that month). He has suggested that City Council consider canceling the Regular Council meeting scheduled for Tuesday, October 9, 2007 and schedule a Council Work Session for Tuesday, October 2, 2007 at 6:00 PM in lieu of that meeting.

Motion was made by Councilor Emerson, and seconded by Councilor Cuffey, to cancel the Regular Council Meeting of October 9, 2007, and to schedule a Council Work Session for Tuesday, October 2, 2007 at 6:00 PM. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	NO
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	NO
Councilor Harris	-	yes

REGULAR BUSINESS – SCHOOL BOARD FY 2007-2008 BUDGET AMENDMENT AND APPROPRIATION

By Resolution 07-06-G34 the Hopewell School Board approved a \$450,000 supplemental appropriation to the FY 2008 School Board Budget in the Bus/Building Replacement Fund at the June 14, 2007 meeting. This supplemental appropriation was requested to allow the School Division to replace the roof at Dupont Elementary School. Prior to this formal action by the School Board, this request was presented to the City Council/School Construction Committee on June 6, 2007. The committee agreed that this request should be forwarded to the School Board and City Council with a request that they approve the appropriation for the replacement of the Dupont School roof.

Even though these funds are in the beginning balance of the school division's Bus/Building Replacement Fund, the Schools Board has requested Hopewell City Council to amend the School Board Budget by appropriating those amounts in the Bus/Building Replacement Fund.

After review, City Administration recommended that City Council amend the School Budget for the FY 2007-2008 and appropriate an additional \$450,000. The Hopewell School Board took action to replace the Dupont Elementary School roof.

Motion was made by Councilor Harris, and seconded by Councilor Cuffey, to resolve to amend the School Budget for FY 07-08 and appropriate an additional \$450,000, in the Bus/Building Replacement Fund, for the Dupont Elementary School roof. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

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**SCHOOL BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2007-2008**

WHEREAS, at the meeting of the City Council of the City of Hopewell held on September 11, 2007, an amended budget request was introduced in its complete form from School Board; of which \$450,000 is requested to be appropriated and,

WHEREAS, sufficient funds exist in the respective fund balance reserve account;

BE IT HEREBY RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds shall be appropriated from the designated reserves to authorize the capital construction (not replacement) at the Dupont Elementary School:

School Bus/Building Fund-063:

Use of Reserve Funds..... \$450,000

Appropriations:

Capital Construction..... 450,000

REGULAR BUSINESS - BUDGET AMENDMENT FOR RECREATION AND PARKS FUND - \$6,000 FOR ADDITIONAL PART-TIME POSITION

The City Manager has authorized an additional part-time position in the Department of Recreation and Parks. Because this is an additional position, there are no monies budgeted to fund the position. Monies have been identified to come from the General Fund balance and transferred to the Recreation and Parks Fund.

Motion was made by Councilor Cuffey, and seconded by Councilor Harris, to resolve to approve a Budget Amendment for the Recreation and Parks Fund, to appropriate an additional \$6,000 from the General Fund to support Recreation and Parks Fund. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR BUSINESS – APPOINTMENTS TO BOARDS AND COMMISSIONS

Motion was made by Councilor Cuffey, and seconded by Councilor Harris, to resolve to appoint Andrew Clark to the Board of Zoning Appeals (BZA) for an unexpired term extending through October 31, 2009; Herbert Denton to the Clean City Commission for a term extending through October 31, 2010; Marion Hebert, from Ward #5, and Herbert Denton, from Ward #5, to the Neighborhood Watch Advisory Council for terms extending through October 31, 2009; Jane McCullen to the Historic Preservation Committee; Brook Hines as a Student Representative to the Recreation Commission for a term extending through May 31, 2009; and Dr. Winston O. Odom to the Riverside Community Justice Board. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes

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Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR BUSINESS - TWO LETTERS OF RESIGNATION FROM TWO MEMBERS OF BOARDS AND COMMISSION

Letters of resignation were received in the City Clerk's Office from Larry Diehl from the Law Library Committee, and from Ted Sweetland from the Board of Zoning Appeals. It is appropriate at this time to accept the letters of resignation, with regret, and to send thank you letters to each individual.

Motion was made by Councilor Cuffey, and seconded by Councilor Bailey, to accept the letters of resignation, with regret, and to send thank you letters to each individual for their service to the City. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REPORTS OF CITY COUNCIL MEMBERS

Councilor Cuffey reported that he is coaching Youth Soccer for the first time with the Department of Recreation & Parks. He predicts a fun, winning season for the gold team.

Councilor Sealey thanked residents of Cobblestone for coming out tonight. Citizen input makes a difference. It was an excellent example of how government can work when you express your opinion.

Councilor Emerson thanked Dr. Daley for the DVD recognizing and memorializing 9/11. In another matter, he reported that he played in the Red Cross Gold Tournament today. The City Team came in Third Place. He commended Jerry Williams for doing a great job.

Councilor Bailey expressed her appreciation to Cobblestone residents. It is a good sign in the community for people to come out if something is important to them. She was pleased to see that we are working towards a compromise, quality-of-life for our citizens. Regarding Ms. Podlewski's comments about the streetscape, there was some confusion about what staff was supposed to bring to the meeting. The committee decided to use Street Print for the street. It provides a softer appearance for pedestrian friendliness. Regarding the quality-of-life issues, Dr. Odom in general talked about putting together a committee re: BRAC and planning for the increase in the number of people and increased needs at schools, the Police department, Social Services, etc. He is determined to move this committee along. She expressed her support. Class sizes in Hopewell elementary schools increased over the last three years. Kindergartens are at or above the maximum limit. The School Board has always stressed small class sizes. Hopewell may need to consider building a new elementary school.

Mayor Taylor asked Cheryl Collins to give a brief report about an upcoming event on September 30 at Hopewell High School. Ms. Collins reported that the Second City Comedy Touring Group from Chicago will be in Hopewell at 6:00 PM on Sunday, September 30, 2007. Tickets may be purchased on the website for \$15.00. The first 200 people will be able to meet the performers. She also reported that Bike Virginia did very well in Hopewell. The major impact was on the downtown restaurants and vendors. They created Hopewell as a destination. Regarding the 2007 Celebration, there will be a Native American Event the last official event on October 27, 2007.

ADJOURN

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At 9:50 PM, **motion** was made by Councilor Cuffey, and seconded by Councilor Sealey, to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

Steven R. Taylor, Mayor

Ann M. Romano, City Clerk